

### **REMARKS**

This is a full and timely response to the outstanding Office Action mailed April 28, 2009. Claims 1-76 are herein canceled. Applicants submit new claims 77 and 78 for entry and examination in the present application. In light of the following remarks, Applicants respectfully request that there be further reconsideration of all pending claims.

### **Claim Objections**

Claims 7-13 and 70-76 were objected to as containing non-elected subject matter. Claims 7-13 and 70-76 are herein canceled, thereby rendering this objection moot.

### **Specification**

Replacement pages 1 and 33 of the specification are herein submitted for entry into the present application, wherein the page numbers, previously omitted, have now been added. No other changes have been made and therefore no new matter has been introduced. Replacement of the pages 1 and 33 was merely to correct the omission of page numbers.

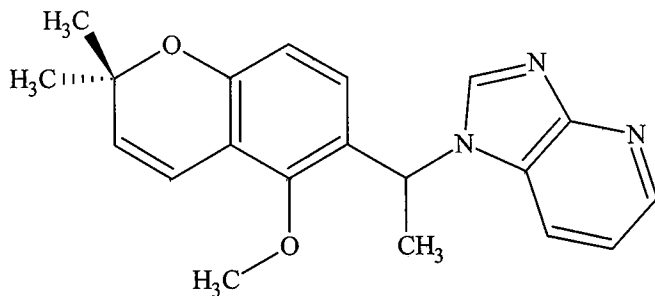
### **Drawings**

Applicants herein submit replacement drawings for Figs. 1A-4, for entry into the present application, wherein the objections to the drawing quality raised by the Examiner have now been met. No other changes have been made and, therefore, no new matter has been introduced. Applicants therefore assert that the replacement figures are now fully in accordance with the requirements of 37 CFR § 1.84.

### **Rejection under 35 USC § 112, second paragraph**

Claims 7-13 and 70-76 are herein canceled thereby rendering this rejection moot. However, Applicants have taken into consideration the Examiners rejection under 35 USC § 112, second paragraph in the submission herein of new claims 77 and 78 for entry and consideration in the present application.

New claims 77 and 78 are drawn to a method of reducing the expression of an HIF-1 $\alpha$ -specific gene by a cultured animal or human cell when contacted with the compound according to the formula:



Applicants state that the subject matter of the new claims 77 and 78 is fully disclosed in the specification of the present application, and therefore does not present new matter. Applicants respectfully submit that the new claims 77 and 78 are in now condition for allowance.

### **CONCLUSION**

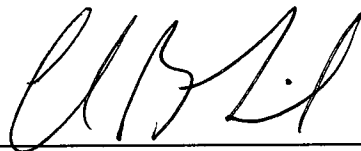
In light of the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted ,

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& RISLEY, L.L.P.**

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Docket No. 50508-1360